

State of Wisconsin



2021 Senate Bill 682

Date of enactment: **March 11, 2022**

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2021 WISCONSIN ACT 174

AN ACT *to renumber and amend* 893.33 (6m); and *to create* 893.33 (6m) (b) of the statutes; **relating to:** creating an exception to the 40-year recording requirement for certain recorded access easements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 893.33 (6m) of the statutes is renumbered 893.33 (6m) (intro.) and amended to read:

893.33 (6m) (intro.) This section does not apply to any an interest in ~~a~~ any of the following:

(a) A conservation easement under s. 700.40.

SECTION 2. 893.33 (6m) (b) of the statutes is created to read:

893.33 (6m) (b) An easement set forth in a recorded instrument that allows a person to travel across another's land to reach a location or for another specified purpose if any of the following applies:

1. The instrument is recorded on or after January 1, 1960.
2. An instrument is recorded before January 1, 1960, and a notice, the instrument, or an instrument expressly

referring to the easement is recorded on or after January 1, 1960, and before the property is sold or transferred.

3. The instrument or instruments expressly referring to the easement were recorded before January 1, 1960, and it is apparent from or can be proved from physical evidence of its use at such time when a person acquired the real estate subject to the easement.

SECTION 3. Initial applicability.

(1) This act first applies retroactively to an action commenced or defense or counterclaim asserted before, and first applies to an action commenced or defense or counterclaim asserted on or after, the effective date of this subsection unless a final judgment has been entered resolving the action, defense, or counterclaim.

(2) This act first applies to an easement set forth in a recorded instrument that is entered into before, on, or after the effective date of this subsection unless the instrument contains provisions inconsistent with that treatment.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."